

TOWNSHIP OF WALL  
ORDINANCE NO. 20 - 1989

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V "GENERAL LICENSING" OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AMENDED AND SUPPLEMENTED, PERTAINING TO THE LICENSING AND REGULATION OF THE TOWING OF DISABLED VEHICLES WHEN NECESSARY TO SAFEGUARD THE PUBLIC HEALTH, SAFETY AND WELFARE WITHIN THE TOWNSHIP OF WALL, AND REPEALING ORDINANCE NO. 14-1989

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. CHAPTER V, "General Licensing" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented to add thereto the following section:

"5-3 Police Towing Operators.

5-3.1 Definitions. As used in this section:

a. "Garage" shall mean any building or property, other than a private garage, available to the public, operated as a business and which is used for the storage, repair, rental, lubrication, washing, servicing, adjusting or equipping of automobiles or other motor vehicles and which complies with the provisions of the zoning Ordinance of the Township of Wall.

b. "Towing Apparatus" shall mean a motor vehicle, including but not limited to a wrecker, tow truck or flatbed truck, employed for the purpose of towing, transporting, conveying or removing any vehicle without causing damage to the vehicle being towed or transported.

c. "Vehicle" shall mean any automobile, truck, tractor, trailer, motorcycle, minibike, moped, gocart, trail bike, bus, ski mobile, farm equipment or any other mechanically-powered conveyance which shall be or become disabled; or which is required to be removed from the scene of an accident; or the removal of which is necessary in order to safeguard the public

of the Police Department without first having made application for and obtained a permit therefor from the Chief of Police, as provided in this section. A copy of said permit shall be filed by the Chief of Police with the Zoning Officer.

#### 5-8.3 Application and Fees.

a. Applications for permits issued under this section shall be made upon forms made available by the Chief of Police. The application shall include the following information:

1. The description by make, model, license number, year, vehicle identification number and color of all towing apparatus to be used by the towing operator, together with the principal location at which the towing apparatus will be maintained.

2. The block and lot number and mailing address of the garage at which the application has space available for properly accommodating and providing for the security of all towed vehicles.

3. A letter from the Land Use Officer verifying that the storage of motor vehicles is a permitted use upon the premises where the garage is located. At no time shall there be more vehicles stored upon the premises where the garage is located than that permitted by the Zoning Ordinance of the Township of Wall.

4. Certificates of required insurance.

b. A filing fee of \$500.00 shall accompany each application for a permit for regular towing operators. A filing fee of \$100.00 shall accompany each application for a permit for alternate towing operators.

#### 5-8.4 Filing and Expiration Dates.

a. Upon the effective date of this ordinance, applications shall be received by the Chief of Police for a thirty-day period and shall be acted upon in accordance with the other provisions of this section. The Chief of Police shall be authorized to issue a maximum of six (6) towing permits, of which four (4) shall be issued to regular towing operators and two (2) shall be issued to alternate towing operators.

b. All permits issued under this ordinance shall expire on the last day of December next succeeding the date of issuance. Prior to the renewal of any permit issued hereunder, the Chief of Police shall conduct a review of all permit

the Township of Wall.

5-8.5 Investigation. Within thirty (30) days after receipt of an application, the Chief of Police shall cause an investigation to be made of the applicant and his proposed business operation and shall make or cause to be made an inspection of the towing apparatus proposed to be used in connection therewith. All applicants and/or operators shall be fingerprinted and a permit shall not be issued to a person convicted of a crime of moral turpitude. The Chief of Police may delegate the inspection of the towing apparatus to a person or persons, who shall make such an inspection and who shall report to the Chief of Police whether the towing apparatus is in a condition that will not interfere with the public health, safety and welfare and complies with the requirements and standards of this section and applicable state statutes and regulations. Upon completion of the investigation and inspection, the Chief of Police shall either refuse to approve the application or shall approve the application in accordance with the standards contained herein, and shall inform the applicant of his decision.

5-8.6 Conditions for Issuance of Permit. The Chief of Police shall approve an application and issue a towing operator permit when he finds that the following requirements have been met by the applicant:

a. The required insurance policies have been procured and proof thereof supplied.

b. The applicant has at least one (1) wrecker and one (1) flatbed truck in use and operation, in order to assure the efficient and diligent dispatch of towing apparatus upon the request of the Wall Township Police Department.

c. The applicant and operators employed by the applicant are qualified to operate the towing apparatus and conduct a towing service in the Township. Permit holders will be required to submit a list of operators and their residence addresses and shall immediately inform the Police Department of any changes therein.

d. The applicant complies with the requirements of this section and all other applicable laws, statutes, regulations and ordinances.

e. All towing apparatus proposed to be used have been

g. Receipt of a favorable letter from the Zoning Officer in accordance with subsection 5-8. 3a.3 of this section.

5-8.7 Minimum Standards for Towing Apparatus. The

following shall serve as minimum standards for all towing apparatus:

a. A wrecker or tow truck or flatbed truck shall be capable of handling, removing and towing any vehicle as defined in subsection 5-8.1 of this section and must have or be equipped with the following:

- (1) All wreckers, tow trucks and flatbed trucks shall have a minimum weight of one (1) ton according to the manufacturer's specifications.
  - (2) A power take off or an adequate electric-operated winch with a minimum cable thickness of three-eighths (3/8) inch steel.
  - (3) A three-eighths (3/8) inch safety chain. The life chain and the safety chain are not to be attached in any form or manner to the same part of the tow truck or wrecker or flatbed truck.
  - (4) Front and rear flashing hazard lights.
  - (5) A three-hundred-sixty degree rotating amber beacon light mounted above the cab, or an approved light bar.
  - (6) All lights shall be of such candlepower and intensity as to be visible one-fourth (1/4) mile away.
  - (7) The company name, address, and phone number shall be permanently affixed on both sides of any wrecker, tow truck or flatbed truck. The letters and numbers shall be a minimum of three (3) inches in height.
  - (8) One (1) portable motor vehicle dolly which set shall be available on the towing operator's premises.
  - (9) Approved towing slings.
  - (10) Broom and shovel.
  - (11) Commercial motor vehicle plates.
- 5-8.8 Insurance Policies.

a. Each permittee shall obtain the following policies of insurance, naming the Township as an additional insured

covering fire, theft and explosion in the minimum amount of \$100,000.00 and including collision coverage per occurrence.

2. A garage liability policy covering the operation of the applicant's towing apparatus for any bodily injury or property damage in the minimum amount of \$300,000.00 bodily injury and \$100,000.00 property damage per occurrence.

b. Each policy required herein must contain an endorsement providing ten days notice to the Township in the event of cancellation.

5-8.9 Identification Permit. The Chief of Police shall issue to the person owning approved towing apparatus a permit, in such form as may be established by the Chief of Police, which permit shall be prominently visible and displayed on each tow truck, wrecker or flatbed truck at all times. The permit shall bear the name of the owner, the rate of charges, and a notice that in case of any complaint, the complainant may notify the Chief of Police, giving the license number of the wrecker. The card shall also have the signature of the Chief of Police and the date of inspection of the towing apparatus.

5-8.10 Inspection. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection and operation of towing apparatus and for the design, construction, maintenance and conditions for the safe conduct of a towing service business, in accordance with the standards outlined in this section. All towing apparatus shall be maintained in good working order and meet minimum safety standards. If at any time the Chief of Police shall find the equipment inadequate, unsafe or not in compliance with the motor vehicle laws of the State of New Jersey; or in the event that the permittee shall fail to comply with the provisions of this section or any regulations adopted hereunder or the provisions of the Zoning Ordinance of the Township of Wall, he shall notify the permittee to correct such deficiencies. If such deficiencies are not corrected within the time established by the Chief of Police he may suspend or revoke the permit and may schedule a hearing relative thereto. He may restore the permit upon the satisfactory correction of all deficiencies. The Chief of Police is also hereby authorized and empowered to establish from

5-8.11 Appeal. An appeal of any decision of the Chief of Police shall be filed in writing with the Township Administrator within ten (10) calendar days of the decision. A hearing shall be held within thirty (30) calendar days of the filing, and a final determination shall be issued by the Township Administrator, in writing, within twenty (20) calendar days of the hearing.

5-8.12 Record of Owners and Operators. The Chief of Police shall maintain a record of the names of all persons owning or operating towing apparatus licensed hereunder and complete records of all inspections made of towing apparatus.

5-8.13 Rates. Every licensed owner of towing apparatus shall give the owner of a towed vehicle a written receipt for the fee paid for the rendering of any towing service. Copies of receipts shall be maintained by the permittee for three (3) years and shall be available for inspection by authorized Township officials. This section does not regulate the rates to be charged for the transportation, hauling or service of disabled vehicles by a permit holder but rather seeks to insure the timely dispatch of adequate towing equipment to scenes of accidents and in other circumstances requiring the removal of vehicles in order to safeguard the public health, safety and welfare.

5-8.14 Conduct of Owners and Operators. Towing permits hereunder shall be issued subject to the following conditions:

a. No person owning or operating towing apparatus licensed under this regulation shall permit or invite loitering within or near the towing apparatus when in use.

b. No person shall solicit, demand, or receive from any person any commission or fee except the fee for transporting the vehicle to be towed.

c. No person shall pay any gratuity, tip, or emolument to any third person not involved in the towing or removal of any vehicle or to any police officer for any information as to the location of any accident or for soliciting the employment of the operator's services.

d. The holder of a towing permit shall not release any motor vehicle(s) towed by said permit holder without first obtaining a Towed Vehicle Release Form issued by the Wall Township Police Department.



receipt for said vehicle from the owner thereof.

5-8.15 Records Required To Be Maintained.

a. All permittees shall maintain a written record of all vehicles towed at the request of the Police Department. This record shall be made available to any police officer for inspection upon request and shall contain the following information:

1. The date, time, location, and name of the towing apparatus driver who towed the vehicle at the Department's request.
  2. The physical location of the vehicle after being towed.
  3. Identification of the towed vehicle to include make, year, model, color, vehicle identification number, license number, and name of registered owner if known.
  4. The fee charged for such towing service.
- b. A list of all vehicles presently stored shall be submitted to the Wall Township Police Department including the following information pertaining to each vehicle:
1. Make, model and color.
  2. Registration number and State of registration.
  3. Vehicle identification number.
  4. Officer's name requesting the tow or impound.

5-8.16 Notice to Vehicle Owners. All towing operators

will be required to contact the registered owner of any towed vehicle in order to facilitate the removal of said vehicle from the storage facility. The tow operator will be required to contact the registered owner by means of registered mail, return receipt requested. A copy of all such receipts, together with the time and date of any telephone conversations with vehicle owners will be filed with the Wall Township Police Department on the last calendar day of each month. Failure to submit the required information will result in the removal of the towing service and any request for storage fees will be subject to critical examination. The Police Department will, at the towing operator's request, supply available information as to the owner of a vehicle. The owner's

removed from his property. Notification shall be made immediately by telephone and in written form within seventy-two (72) hours of such removal.

5-8.17 Rotating Call List.

a. Holders of towing permits performing towing services at the direction of the Police Department shall perform on an established territorial basis. Each permit holder shall respond within his prescribed area and his garage or place of business shall be located within the Township. The Chief of Police is hereby authorized to establish the territorial area of each towing company and is further authorized to adjust, alter or change the boundaries of territories for the effective and efficient operation of the Police Department or in the interest of the public health, safety and welfare.

b. In the event that the holder of a towing permit, when called on to respond by the Police Department, is unavailable or unable to respond, the Police Department is authorized to call on another permit holder for said service.

c. The Police Department shall maintain a record of all requests for towing apparatus, including the date, time and place to which called and whether the tower called was available, and if not available, the reason why, and the name of the towing permit holder next called.

d. No person shall respond to the scene of an accident except upon notification by the Police Department or upon the request of the driver or owner of the vehicle concerned.

e. Towing apparatus must be dispatched upon receipt of notification from the Police Department and shall arrive at the scene within twenty (20) minutes of such notification.

f. The Police Department in the discharge of its duties and under circumstances affecting the public health, safety and welfare may suspend, change or alter the territorial areas of the respective holders of towing permits or may call any licensed towing operator.

g. If at any time more than two wreckers are required in a prescribed territory in order that the performance of towing services may be efficiently rendered and the traffic safety assured, the Police Department is authorized to call upon one or more permittees to respond to the dispatch of

the Police Department.



by the Chief of Police shall take effect immediately after mailing, by certified mail, return receipt requested, of a copy thereof to all permit holders for towing apparatus in the Township, which mailing may be made by addressing same to the permit holders at their last known address.

i. The foregoing shall not limit in any way the authority herein conferred upon the Chief of Police to promulgate rules and regulations providing for the removal and storage of disabled heavy duty motor vehicles such as tractor-trailers, construction equipment requiring specialized towing equipment.

5-8.18 Clean Up At Scene of Accident. The driver of any towing apparatus shall be required to clean up all broken glass and debris from the scene of any accident to which he is called, before leaving the scene thereof.

5-8.19 Application. This ordinance shall not apply when the towing apparatus is called to perform services by the owner of the disabled vehicle to be towed or serviced. Nor shall any provision contained herein be interpreted or construed in any manner to interfere with or obstruct a member of the Wall Township Police Department in the performance of his duties and the enforcement of the Motor Vehicle Laws of the State of New Jersey.

5-8.20 Violations. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall for each and every violation be subject to a fine of not more than \$1,000.00"

SECTION 2. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. Upon the effective date of this Ordinance, Ordinance No. 14-1989 of the Township of Wall, finally adopted on April 4, 1989 be and the same is hereby repealed.

SECTION 4. Should any section, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on April 4, 1989 and will be further considered for final passage and adoption at a meeting of the Township Committee of the Township of Wall at the Municipal Courtroom, Police Headquarters Building, Allaire Road, Township of Wall, on April 26, 1989 at 8:00 PM or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in the Township of Wall, Township Hall, to the members of the general public who shall request the same.

BEATRICE M. GASSNER, Township Clerk